

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BENNETT L. RADUZINER,)
)
 Plaintiff,) 8:05CV464
)
 vs.) ORDER
)
 O'DANIEL MOTOR CENTER INC.,)
)
 Defendant.)

This matter is before the court on defendant's motion for leave to file a reply brief regarding its pending Motion for Summary Judgment. NECivR 7.1(c) allows a party to file a reply brief and index of evidence no later than five (5) days after the nonmoving party files and serves the opposing brief. In this instance, more than five days have elapsed; however allowing the defendant to file a reply brief will not delay the proceeding or unfairly prejudice the plaintiff.

IT IS ORDERED that defendant's Motion [32] is granted, and the court will consider the reply brief offered by the defendant. Plaintiff is given until and including August 4, 2006 to file a surreply brief if plaintiff wishes to do so.

DATED July 27, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**